

BAKER BOTTS LLP*Fax receipt will not be confirmed by phone unless requested.***RECEIVED
CENTRAL FAX CENTER****DEC 19 2005**1500 SAN JACINTO CENTER
98 SAN JACINTO BLVD.
AUSTIN, TEXAS
78701-4078TEL +1 512.322.2500
FAX +1 512.322.2501
www.bakerbotts.comAUSTIN
DALLAS
DUBAI
HONG KONG
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTONFROM Ann C. Livingston
DATE December 19, 2005
PAGES 2 (including fax cover sheet)VOICE NO. 512.322.2634
FAX NO. 512.322.8325
RETURN TO Crystle GarbadeTO Examiner Srirama T. Channavajjala
U.S. Patent & Trademark OfficeFAX NO. 571.273.8300
VOICE NO. 571.272.4108**MESSAGE**

Re: U.S. Patent Application Serial No. 09/865,802

Examiner Channavajjala,

Pursuant to our telephone conversation, attached please find a Terminal Disclaimer (1 pg) which lists all the patent applications related to the double-patenting rejection for the above-referenced matter.

If you have any questions, please give me a call.



Ann C. Livingston

Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP by telephone at 512.322.2575 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

If you do not receive all pages, please call: 512.322.2575 for assistance.

BILLING NO. 068082.0111

ATTORNEY/EMPLOYEE NO. 01693

CRITICAL DEADLINE, SEND BY asap

PAGE 1/2 * RCVD AT 12/19/2005 2:07:38 PM [Eastern Standard Time] * SVR:USPTO-EFAX-6/27 * DNIS:2738300 * CSID:5123222501 * DURATION (mm-ss):01-40

DEC 19 2005

PTO/SB/25 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
068082.0111

In re Application of: John C. Seibel et al.

Application No.: 09/865,802

Filed: May 24, 2001

For: Database Server System for Web-Based Business Intelligence

The owner*, iNetProfit.com, Incorporated, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/865,804; 09/865,805; 09/865,735 all filed 5/24/2001; 09/862,814 and 09/862,832 both filed 5/21/2001; 09/971,334 and 09/970,563 both filed 10/4/2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent: granted on the pending reference application; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

- ☐ 1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- ☒ 2. The undersigned is an attorney or agent of record. Reg. No. 32,479

Signature

Ann C. Livingston

Date

Typed or printed name

512.322.2634

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

From PTO/SB/25 may be used for making the statement in Section 3.73(b) to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.